



California Fair Political Practices Commission

May 10, 1988

Helen Rodio
1105 West Avenue J-13
Lancaster, CA 93534

Re: Your Request for Advice
Our File No. G-88-172

Dear Ms. Rodio:

You have asked for advice concerning the actions of Lancaster City Councilmember Els Groves.

The Commission's Legal Division does provide written advice to persons with questions about their duties under the Political Reform Act.^{1/} (Section 83114(b).) We do not provide advice to third parties about another person's duties unless the third party has been authorized to request advice by the person whose duties are in question. (Regulation 18329(b)(8)(B).) Therefore, we cannot provide advice on the question you have raised. However, if you believe a violation of the Act may have occurred, you may contact our Enforcement Division for review. If you have any questions, that division can be reached at (916) 322-6441.

Sincerely,

A handwritten signature in cursive script, appearing to read "Diane M. Griffiths", is written over the typed name.

Diane M. Griffiths
General Counsel

DMG:plh

^{1/} Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

MAY 9 2 22 PM '88

Fair Political Practices Commission May 4, 1988
P.O. Box 807
Sacramento, CA 95814

Dear Sir:

I am writing requesting an answer to what many citizens of Lancaster believe is wrong.

Is it a conflict of interest sitting on an elected city council to vote on a matter directly concerning himself when involved financially, logistically and ethically?

Els Groves is an elected city councilman of Lancaster, California. He knowingly moved to Palmdale. He is a real estate salesman and sells in the tract of Palmdale's Rancho Vista. He bought a new home there. He put his condo up for sale. When challenged, he registered to vote at his daughter's apartment in Lancaster.

I am not asking a ruling regarding his residency. The Attorney General's office, previous to this vote, was handling that. The Attorney General investigation may have ruled against him and lost him his seat.

I am asking if it was legal in a 3-2 vote to cast a vote on his own behalf. He is paid by the citizens of Lancaster on both the salary of the city council and the meetings of the Redevelopment Agency. He lives in Palmdale and this was the disputed issue he voted on to his own gain in all ways.

He voted to terminate proceedings that had the potential of removing him from office and losing him the \$500 plus a month salary.

I respectfully submit an answer as soon as possible.

Sincerely,



Helen Rodio
1150 West Avenue J-13
Lancaster, CA 93534

MAY 6 1 48 PM '88

2233 Larkin St. #4
San Francisco, CA 94109
May 5, 1988

Chris Heard
Fair Political Practices Commission
428 J Street, Suite 800
Sacramento, CA 95814

subj: FPFC No. GC-88/30

Dear Mr. Heard:

I am writing to clarify the situation with regard to subject case.

The position you should take is that a paid employee of any organization who sits on a board or commission has a conflict of interest if that board or commission considers a matter on which that organization has taken a position.

That person's vote will be influenced by personal economic considerations. If he/she votes contrary to the position taken by his/her employer, he/she would be in danger of losing his/her job. Even if the person were not discharged, he/she would be placed in a bad position vis-a-vis his/her employer. Losing one's job is a very real economic consideration. So too is the possibility of displeasing one's employer. Therefore, that person's vote is influenced by his/her personal economic interest, and that person has a conflict of interest.

Also, the possibility of losing one's job, or at the very least displeasing one's employer, distinguishes the effect on that person from the effect on the public generally.

Please refer to the letter of Francis Chin, Metropolitan Transportation Commission (MTC) General Counsel to Dianne Griffiths dated February 29, 1988 and the letter of Kathryn Donovan to Francis Chin dated March 30, 1988, your file no. A-88-091.

Ms. Donovan stated that Angelo Siracusa does not have a conflict of interest. I contend that this is in error because she was misled by Mr. Chin.

The claim that Mr. Siracusa is under no instruction by his employer to vote a particular way is preposterous.

The Bay Area Council (BAC) is not the type of organization that would allow a loose cannon on deck. Please refer to the BAC letters and statements that were attached to my original complaint. Please look at the names on the BAC letterhead. (You should also determine who else is a member.) Before they would allow anyone to make statements in their name, they would be very sure of what he was going to say. They would make certain that what he says agrees with their policies and opinions.

-continued-

Chris Heard
May 5, 1988

Therefore, Mr. Siracusa must have cleared his positions and statements with the Board of Directors of his employer, the Bay Area Council, before making them. At the very least, even if he did not clear each and every word with said board, he certainly would be aware of its feelings on any matter and would take positions and make statements in accordance with them.


It should be apparent that Mr. Siracusa would take no actions that would offend his employer, but in fact would take actions that would please his employer.

For example, BAC had taken a position on the proposed extension of Caltrain to Downtown San Francisco. Please refer to the BAC statements attached to my original complaint. BAC may claim it has not taken a position on the Caltrain extension, but merely raised some questions about it. This is specious. One of the favorite tactics for killing a project one opposes is to say "I'm not opposed to it, but....", and then proceed to nitpick it to death. Which is what BAC has done.

I must stress that it makes no difference if BAC has or has not a contractual relationship with MTC, whether decisions by MTC affect BAC, whether BAC is for profit or not for profit, or whether MTC decisions result in contract awards or not. What is important is that Mr. Siracusa receives a salary of more than \$250 from BAC, and that part of his duties is the advocating and advancing of the policies, goals, and objectives of BAC. Therefore if a matter before MTC is the subject of such policies, goals, and objectives, Mr. Siracusa has a conflict of interest in regard to that matter.

This is the position taken by the FPFC in Advices Nos. A-81-032 and A-82-212 and I urge you to reaffirm it in this case.

Very truly yours



Norman Rolfe

cc: FPFC
Roger Brown